

U.S.C. 7613, 5 U.S.C. 552a, and 42 U.S.C. 408.

**§ 400.410 Obtaining personal records.**

Policyholders in the crop insurance program will be able to review or correct their records, as provided by the Privacy Act. Participants may request their records by:

(a) Mailing a written request, with their signature, to the headquarters office of the FCIC; the field office, ASCS; the direct insurance company; or reinsured company; or

(b) Making a personal visit to the above mentioned establishments and showing valid identification.

**§ 400.411 Record retention.**

The reinsured insurance company, either direct or reinsured, will retain all records of policyholders for a period of not less than three (3) years from the date of a final action on a policy for the crop year unless maintenance of specific records is requested by the Corporation. Final actions on insurance policies include conclusion of such insurance events such as renewal or termination of policy, completion of loss adjustment, or satisfaction of claim. Companies are reminded that the Statute of Limitation for FCIC contract claims requires that litigation be instituted within six years of a breach of contract. Destruction of records will not provide a defense to any action by the Corporation against any Company.

[59 FR 52408, Oct. 18, 1994]

**§ 400.412 OMB control numbers.**

The principal information collection activity associated with this rule (application) has been approved by the Office of Management and Budget (OMB) under control number 056-003. Other OMB control numbers are contained in subpart H of part 400, title 7 CFR.

**Subpart R—Sanctions**

AUTHORITY: 7 U.S.C. 1506(l).

SOURCE: 58 FR 53110, Oct. 14, 1993, unless otherwise noted.

**§ 400.451 General.**

(a) The Federal Crop Insurance Corporation (FCIC) has implemented a system of sanctions to prevent waste, fraud, and abuse within its programs and insurance delivery systems. Such sanctions include civil penalties and disqualification from the crop insurance program under the Federal Crop Insurance Act, 7 U.S.C. 1506(m); government wide debarment and suspension; and civil penalties and assessments under the Program Fraud Civil Remedies Act, 31 U.S.C. 3801—31 U.S.C. 3812.

(b) The provisions of this subpart apply to all contracts and agreements to which FCIC is a party unless otherwise specifically provided for in this subpart, including those in which FCIC provides administrative expense reimbursement, premium subsidy, or reinsurance benefits.

(c) The provisions of this subpart are in addition to any other sanctions specifically provided in applicable contracts and agreements.

(d) This subpart is applicable to any act or omission by any affected party after October 14, 1993.

**§ 400.452 Definitions.**

For purposes of this subpart, a person means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a state, a political subdivision of a state, or any agency thereof.

**§ 400.453 Exhaustion of administrative remedies.**

All administrative remedies contained herein or incorporated herein by reference must be exhausted before Judicial Review in the United States Courts may be sought, unless review is specifically required by statute.

**§ 400.454 Civil penalties.**

(a) Any person who willfully and intentionally provides any materially false or inaccurate information to FCIC or to any approved insurance provider reinsured by FCIC with respect to an insurance plan or policy issued under the authority of the Federal Crop Insurance Act, as amended, (7 U.S.C. 1501 *et seq.*) may be subject to a